

AMENDED IN SENATE JULY 8, 2003
AMENDED IN ASSEMBLY MARCH 20, 2003
CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 197

Introduced by Assembly Member Strickland

January 27, 2003

An act to amend Section 12419.10 of the Government Code, relating to offset payments.

LEGISLATIVE COUNSEL'S DIGEST

AB 197, as amended, Strickland. Offset payments.

Existing law requires the Controller, to the extent feasible, to offset any amount overdue and unpaid for, among other things, vehicle parking penalties from a person or entity against tax refunds and lottery winnings. Existing law requires the Controller to prescribe standards and procedures for the submission of requests for offsets.

This bill would require any request for an offset for a vehicle parking penalty to be submitted within 3 years of the date the penalty was incurred. The bill would also provide that ~~the amount of any offset received by a local agency shall be limited to the amount of the original offset request excluding additional charges accruing once an offset request for a vehicle parking penalty is made, a local agency may not accrue additional charges on or after the date the offset request is made.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 12419.10 of the Government Code is amended to read:

12419.10. (a) The Controller shall, to the extent feasible, offset any amount overdue and unpaid for a fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services, from a person or entity, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law or from winnings in the California State Lottery. Standards and procedures for submission of requests for offsets shall be as prescribed by the Controller. Any request for an offset for a vehicle parking penalty shall be submitted within three years of the date the penalty was incurred. Whenever insufficient funds are available to satisfy an offset request, the Controller, after first applying the amounts available to any amount due a state agency, may allocate the balance among any other requests for offset.

~~(b) The amount of any offset received by a local agency shall be limited to the amount of the original offset request and shall not include any additional interest charges, collection charges, penalties, or other charges accruing after the date that the offset request is made. Additional charges may not be requested in any subsequent request.~~

(b) Once an offset request for a vehicle parking penalty is made, a local agency may not accrue additional interest charges, collection charges, penalties, or other charges on or after the date that the offset request is made. Payment of an offset request for a vehicle parking penalty shall be made on the condition that it constitutes full and final payment of that offset.

(c) The Controller shall deduct and retain from any amount offset in favor of a city or county an amount sufficient to reimburse the Controller, the Franchise Tax Board, the California State Lottery, and the Department of Motor Vehicles for their administrative costs of processing the offset payment.

(d) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1, or any other provision of law, the social security number of any person obtained pursuant to Section 4150, 4150.2, or 12800 of the Vehicle Code is not a public record

1 and shall only be provided by the Department of Motor Vehicles
2 to an authorized agency for the sole purpose of making an offset
3 pursuant to this section for any unpaid vehicle parking penalty or
4 any unpaid fine, penalty, assessment, or bail of which the
5 Department of Motor Vehicles has been notified pursuant to
6 subdivision (a) of Section 40509 of the Vehicle Code or Section
7 1803 of the Vehicle Code, responding to information requests from
8 the Franchise Tax Board for the purpose of tax administration, and
9 responding to requests for information from an agency, operating
10 pursuant to and carrying out the provisions of, Part A (Aid to
11 Families with Dependent Children), or Part D (Child Support and
12 Establishment of Paternity) of Subchapter IV of Chapter 7 of Title
13 42 of the United States Code. As used in this section, “authorized
14 agency” means the Controller, the Franchise Tax Board, or the
15 California Lottery Commission.

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